

Sent: Monday, August 14, 2006 10:02 AM  
To: DocketClerk, MOAB  
Cc: mobrien@Schnucks.com%inter2  
Subject: [Docket No. FV06-966-1 PR]; Federal Register/Vol. 71, No. 125, Page No. 37014/Thursday, June 29, 2006/Proposed Rules

Tomatoes Grown in Florida; Partial Exemption to Minimum Grade Requirements  
To Whom it May Concern:

On behalf of Schnuck Markets, a regional supermarket operator with 102 stores throughout the Midwest and Mid-South, I am writing to address an issue of interest and concern to our customers and company--namely, the "Ugly Ripe" tomato.

The UglyRipe tomato is an heirloom variety tomato. They look and taste like a homegrown tomato grown in your back yard. Our customers love them because they taste good. It is very difficult to find a tomato that tastes good at certain times of the year. The reason is that tomatoes do not hold up well when they travel from Florida, California etc. to St Louis. Joe Procacci a produce pioneer has developed this tomato that holds up and tastes good. It is grown in various regions but part of the season is grown in Florida.

However, Florida agriculture will not allow it to leave the state because it is claimed to be "too wrinkled". A Florida committee claims the tomato standards rule states that the UglyRipe must be as round as other Florida regular tomatoes before they can be shipped out of state. The round tomato is one that marks Florida's good standard policy.

No.1 tomatoes are firm, smooth-skinned, almost perfectly round.

No.2 tomatoes are round, but only slightly rough.

No.3 tomatoes are a bit misshapen and blemished.

We call these Florida tomatoes "cardboard tomatoes. They look nice but have no flavor.

I think this is a shame. It's restraint of trade. Mr. Procacci grows a product that he should have the right to market wherever he wants to market them. Plus, our customers are not able to enjoy these tomatoes.

The Florida Tomato Committee (FTC), which was established in 1955 under Federal Marketing Order No. 966, annually regulates the Florida fresh tomato industry South and East of the Suwannee River from October 15 through June 15. The Committee sets standards pertaining to the shape of round tomatoes that may be exported from Florida.

The Uglyripe(tm) has received an exemption from the grade standards during its first three seasons. However, the FTC has denied the exemption for the fourth season, saying the Uglyripe(tm) does not have the appropriate shape to meet the grade standards. The Uglyripes(tm) were prohibited from being shipped from Florida last winter and spring. We suffered a \$2.8 million loss.

We feel it is a tremendous shame that The Florida Tomato Committee is preventing consumers nation wide from enjoying a tomato with a homegrown taste.

Michael O'Brien  
Vice President-Produce  
Schnuck Markets, Inc.  
11420 Lackland Road  
St. Louis, MO 63146